

AMENDED IN SENATE AUGUST 23, 2006

AMENDED IN ASSEMBLY APRIL 25, 2006

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

ASSEMBLY BILL

No. 2843

Introduced by Assembly Member Saldana
(Coauthors: Assembly Members Berg, Pavley, and Oropeza)

February 24, 2006

An act to amend Section 43023.5 of the Health and Safety Code, relating to air pollution.

LEGISLATIVE COUNSEL'S DIGEST

AB 2843, as amended, Saldana. Air pollution.

(1) Existing law grants primary authority for the control of air pollution from vehicular sources to the State Air Resources Board. Existing law authorizes the state board to adopt and implement motor vehicle ~~emission~~ *emissions* standards and motor vehicle specifications. Existing law provides for the existence of various clean air programs, including the Carl Moyer Air Quality Standards Attainment Program.

Existing law, notwithstanding a specified provision of the Budget Act of 2001, requires any air quality management district or air pollution control district with a population of 1,000,000 residents or greater, in consultation with the state board, to expend not less than 50% of the moneys appropriated for the Carl Moyer ~~program~~ *Air Quality Standards Attainment Program*, programs to fund the purchase of reduced-emissions schoolbuses, and diesel mitigation programs, in a manner that directly reduces air contaminants or the public health risks associated with air contaminants, in communities with the most significant exposure to air contaminants or localized air

contaminants, or both, including communities of minority populations or low-income populations, or both. Existing law makes these provisions inapplicable to those districts with fewer than 1,000,000 residents, but, notwithstanding a specified provision in the Budget Act of 2001, ~~encourage~~ *encourages* those districts to apply similar funding approaches to the extent each district determines feasible. Existing law repeals these provisions as of January 1, 2007.

This bill would delete the requirement that these provisions are repealed as of January 1, 2007. By imposing additional duties on districts, this bill would impose a state-mandated local program. *The bill would delete the obsolete references to the provision in the Budget Act of 2001.*

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

~~This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.~~

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 43023.5 of the Health and Safety Code
2 is amended to read:
3 43023.5. (a) ~~Notwithstanding Provision 3 of Item~~
4 ~~3900-001-0044 of the Budget Act of 2001 (Chapter 106 of the~~
5 ~~Statutes of 2001) requiring all districts to distribute one-half of~~
6 ~~the funds subject to that provision in a manner that directly~~
7 ~~benefits low-income communities and communities of color that~~
8 ~~are disproportionately impacted by air pollution, only districts~~
9 ~~with a population of one million residents~~ *Districts with a*
10 *population of one million residents* or greater, in consultation
11 with the state board, shall ensure that not less than 50 percent of
12 the funds ~~subject to that provision and any other funds~~
13 appropriated for purposes of the programs specified in

paragraphs (1) to (3), inclusive, are expended in a manner that directly reduces air contaminants or reduces the public health risks associated with air contaminants in those districts, including, but not limited to, airborne toxics and particulate matter, in communities with the most significant exposure to air contaminants or localized air contaminants, or both, including, but not limited to, communities of minority populations or low-income populations, or both:

(1) The Carl Moyer Air Quality Standards Attainment Program (Chapter 9 (commencing with Section 44275) of Part 5 of Division 26 of the Health and Safety Code).

(2) Programs for the purchase of reduced-emissions schoolbuses.

(3) Diesel mitigation programs.

~~(b) Notwithstanding Provision 3 of Item 3900-001-0044 of the Budget Act of 2001 (Chapter 106 of the Statutes of 2001) requiring all districts to distribute one-half of the funds subject to that provision in a manner that directly benefits low-income communities and communities of color that are disproportionately impacted by air pollution, a~~ district with less than one million residents is encouraged to expend funds available to the district for the purposes specified in subdivision (a) in a manner similar to that set forth in subdivision (a), to the extent that district determines that this is feasible.

~~SEC. 2. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.~~

SEC. 2. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act, within the meaning of Section 17556 of the Government Code.